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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

In re:

PG&E CORPORATION,

- and -

PACIFIC GAS AND ELECTRIC
COMPANY,

Debtors.

Affects PG&E Corporation

Affects Pacific Gas and Electric Company

☒ Affects both Debtors

* All papers shall be filed in the Lead Case,
No. 19-30088 (DM)

Case No. 19-30088 (DM) (Lead Case)
(Jointly Administered)

Chapter 11

**DECLARATION OF RICHARD A.
BODNAR IN SUPPORT OF THE
KINGSTOWN CLAIMANTS'
OBJECTION TO REORGANIZED
DEBTORS' FIFTH EXTENSION
MOTION**

Hearing Information:

Date: November 15, 2022
Time: 10:00 a.m. (Pacific Time)
Place: (Telephone or Video Only)
United States Bankruptcy Court
Courtroom 17, 16th Floor
San Francisco, CA 94102

Objection Deadline:
November 8, 2022, 4:00 p.m. (Pacific Time)

Pursuant to 28 U.S.C. § 1746, I, Richard A. Bodnar, under penalty of perjury, hereby declare as follows:

1. I am a Partner at the law firm Rolnick Kramer Sadighi LLP (“**RKS**” or “**Claimants’ Counsel**”), counsel to Kingfishers LP, Kingstown Partners II L.P., and Kingstown Partners Master Ltd. (collectively, the “**Kingstown Claimants**”). I submit this declaration in support of the Kingstown Claimants’ Objection (the “**Objection**”) to PG&E Corporation’s and Pacific Gas and Electricity Company’s (collectively, the “**Debtors**,” or, as reorganized pursuant to the Plan, the “**Reorganized Debtors**”) Motion For Entry of an Order Further Extending Deadline to the Reorganized Debtors to Object to Claims and For Related Relief (the “**Fifth Extension Motion**”) [Dkt. No. 13122], as it pertains to the Securities Claimants.¹

2. The Kingstown Claimants submitted proofs of claim and Trading Data supporting their claims against debtors for aggregate damages of more than \$19 million on April 9, 2020.

3. Attached hereto as **Exhibit 1** is a true and correct copy of the Recission or Damages Proof of Claim Form of Kingfishers LP.

4. Attached hereto as **Exhibit 2** is a true and correct copy of the Recission or Damages Proof of Claim Form of Kingstown Partners II L.P.

5. Attached hereto as **Exhibit 3** is a true and correct copy of the Recission or Damages Proof of Claim Form of Kingstown Partners Master Ltd.

6. Reorganized Debtors have not requested additional Trading Data from the Kingstown Claimants.

7. In addition to the Kingstown Claimants, RKS has been retained by 695 additional individual Securities Claimants, whose estimated losses total more than \$2.5 billion.

8. On November 10, 2021, Claimants’ Counsel sent a letter to counsel for Reorganized Debtors (“**Debtors’ Counsel**”) informing them that Claimants’ Counsel had been retained by the Kingstown Claimants and numerous other claimants set forth in an attachment to the letter, on an individual basis, “to pursue their individual Securities Claims.” Attached hereto

¹ Capitalized terms that are not defined herein have the same meaning as in the Objection.

1 as **Exhibit 4** is a true and correct copy of a letter from Claimants' Counsel to Debtors' Counsel,
2 dated November 10, 2021.

3 9. On December 28, 2021, Claimants' Counsel spoke with Debtors' Counsel
4 regarding the claims of Securities Claimants represented by Claimants' Counsel, including the
5 Kingstown Claimants.

6 10. As reflected in their subsequent email correspondence (attached hereto as **Exhibit**
7 **6** as set forth below), during that conversation, Debtors' Counsel indicated he was desirous of
8 "opening a line of communication" with Claimants' Counsel and indicated that initial settlement
9 offers to Securities Claimants would commence in the "near term."

10 11. On February 14, 2022, Claimants' Counsel sent a follow-up letter to Debtors'
11 Counsel dated February 14, 2022, supplementing the list of Securities Claimants represented by
12 Claimants' Counsel with additional claimants and informing Debtors' Counsel that Claimants'
13 Counsel now represented individual Securities Claimants with claims for damages in excess of \$2
14 billion. Attached hereto as **Exhibit 5** is a true and correct copy of a letter from counsel for the
15 Kingstown Claimants to counsel for Reorganized Debtors, dated February 14, 2022.

16 12. Attached hereto as **Exhibit 6** is a true and correct copy of an email chain containing
17 an email from Marc Kramer to Richard Slack, dated February 28, 2022, following up on the
18 February 14 letter, and a March 8, 2022 response email from Richard Slack.

19 13. Debtors' Counsel's March 8, 2022 email attached a purported list of deficiencies in
20 Trading Data for Securities Claimants represented by Claimants' Counsel, but no deficiencies were
21 identified for the Kingstown Claimants.

22 14. Since receipt of the March 8, 2022 email, and in reliance upon it, Claimants'
23 Counsel has diligently worked to cure purported deficiencies, including by collecting and
24 submitting virtually all of the of the Trading Data requested by Reorganized Debtors. The
25 purported deficiencies did not relate to many of the Securities Claimants represented by RKS. No
26 fewer than 279 Securities Claimants represented by RKS had fully submitted all requested Trading
27 Data more than one year ago.
28

1 15. Since the Kingstown Claimants submitted their proofs of claim and Trading Data,
2 Reorganized Debtors have not made settlement offers to the Kingstown Claimants, nor have they
3 contacted Claimants' Counsel in any capacity about engaging in the ADR Procedures with respect
4 to the Kingstown Claims.

5 16. Reorganized Debtors have not made settlement offers, nor offers to mediate, to any
6 Securities Claimants represented by Claimants' Counsel.

7 17. Since Reorganized Debtors' filing of the Fifth Extension Motion, I and others at
8 RKS have spoken to counsel for several other known Securities Claimants, each of which has
9 informed me that Reorganized Debtor has not extended settlement or mediation offers to the
10 Securities Claimants they represent.

11 18. I am not aware of Reorganized Debtors making settlement or mediation offers to
12 any Securities Claimants represented by counsel.

13 19. RKS has reviewed publicly available information from the claims register. Based
14 on that review, we estimate Reorganized Debtors have settled Securities Claims with an aggregate
15 face value of only approximately \$5 million. Because Reorganized Debtors have not disclosed
16 information about the settlement, this estimate is necessarily based only on the limited information
17 available to us.

18 20. Attached hereto as **Exhibit 7** is a true and correct copy of the Third Amended
19 Consolidated Class Action Complaint, filed in the Consolidated Class Action on May 28, 2019
20 [Dkt. No. 121].

21 21. Attached hereto as **Exhibit 8** is a true and correct copy of the Transcript of
22 Proceedings Before the Honorable Dennis Montali, U.S.B.J., dated November 18, 2020, regarding
23 the ADR Procedures Motion and the Second 7023 Motion.

24 22. Attached hereto as **Exhibit 9** is a true and correct copy of the Transcript of
25 Proceedings Before the Honorable Dennis Montali, U.S.B.J., dated December 4, 2020, containing
26 the oral ruling on the ADR Procedures Motion and the Second 7023 Motion.

27 23. Attached hereto as **Exhibit 10** is a true and correct copy of a Notice of Intent to
28

1 Stay Action Pending Conclusion of Bankruptcy Proceedings filed in the Consolidated Class Action
2 on April 29, 2021 [Dkt. No. 198].

3 24. Attached hereto as **Exhibit 11** is a true and correct copy of an Order Staying Action
4 Pending Resolution of Chapter 11 Bankruptcy entered in the Consolidated Class Action on
5 September 30, 2022 [Dkt. No. 217].

6 I declare under penalty of perjury of the laws of the United States that the foregoing is true
7 and correct.

8 Executed on November 8, 2022.

9
10 By: /s/ Richard A. Bodnar
Richard A. Bodnar